

Unsolicited FAXES

What they are and how to stop them

Unwanted faxes aren't just annoying, they're illegal. The federal Telephone Consumer Protection Act (TCPA) prohibits sending unsolicited fax advertisements to both businesses and residences. The statute defines an "unsolicited advertisement" as "any material advertising the commercial availability or quality of any property, goods, or services which is transmitted to any person without that person's prior express invitation or permission."

OPTIONS FOR THOSE RECEIVING UNSOLICITED FAXES

Small Claims Court

The TCPA allows recipients of unsolicited faxes to sue the sender in small claims court. You can recover either your actual monetary loss, or up to \$500 in damages for each violation. You can also get treble damages (\$500 x 3 = \$1,500) if you prove the sender willingly or knowingly committed a violation.

Contact your county clerk's office to file a claim in small claims court.

Contact the Federal Communications Commission

The Federal Communications Commission (FCC) also takes complaints about unsolicited faxes and may take action if it receives a significant number of complaints against a particular sender.

REMEMBER

There is an exception to the law if you have done business with the firm or company who sends the fax. To end this business relationship, contact the sender directly. Be sure to keep documentation of your requests.

RESOURCES

These organizations are equipped to deal with questions and complaints regarding unsolicited faxes:

FCC

Online Complaints: www.fcc.gov/cgb/complaints.html
Consumer Center: 1-888-225-5322 (1-888-835-5322 TTY)
By mail:

FCC

Consumer & Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
45 12th Street SW
Washington, D.C. 20554

By fax: 1-866-418-0232

Indiana Small Claims Court www.in.gov/judiciary/rules/small_claims

Junkfax www.junkfax.org

The Consumer Protection Division of the Indiana Attorney General's Office works to safeguard the rights of Indiana citizens every day. If you have questions or complaints regarding unsolicited faxes, or other appropriate consumer issues, contact the Attorney General's Consumer Protection Division using the address and phone number listed below, or visit www.in.gov/attorneygeneral for more information.

